

REMARKS

Claims 4, 5, 7-16, and 18-21 were examined in the most recent Office action, dated July 19, 2005. Applicant appreciates the allowance of claims 19-21 and the indication that claims 9-13 would be allowable if rewritten to overcome the indefiniteness rejection. Claims 4, 5, and 7-18 stand rejected for indefiniteness, and claims 4, 5, 7, 8, 14-16, and 18 stand rejected over certain asserted prior art references.

Claim Rejections - 35 U.S.C. §112

Claims 4, 5, and 7-18 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite. Each rejection is addressed separately herein.

The Office action requires that claim 4 be amended in lines 4 and 5 to recite, “one end of the spring tension rod” to reflect the antecedence of the preamble. Claim 4 has been so amended.

Claim 9 stands rejected for reciting, “a pair of mounting brackets, one each coupled to one of the opposite ends of the spring tension rods.” Applicants have amended claim 9 to recite, “a pair of mounting brackets, one mounting bracket coupled to each of the opposite ends of the spring tension rod.” Because claim 9 is not rejected, *inter alia*, on any other grounds, claim 9 is now allowable. Claim 14 has been rejected for similar reasons, and claim 14 has been amended similarly. Accordingly, this rejection is overcome.

The office action requires that claim 12 be amended to recite “each said mounting bracket” instead of “each mounting bracket.” Lines 13, 14, 16, 17, and 19 of claim 14 and lines 3 and 4 of claim 16 are required to be amended likewise. By way of this response, applicant has amended the claim as required.

Claim Rejections - 35 U.S.C. § 102

Claim 4 is Allowable.

Applicants respectfully traverse the rejection to claim 4 under 35 U.S.C. § 102(b) as anticipated by Schroeder, EP 0421913. Claim 4 recites, in part, a mounting section defining a bearing section facing in a first direction and a rod interface facing in a second direction

generally opposite the first direction. Claim 4 further recites, in part, a male attachment mechanism including a first leg, a second leg connected to and angled to the first leg, and a third leg connected to and angled to the second leg.

Schroeder fails to disclose the noted structural claim elements. Schroeder discloses a plate 1 that faces in a first direction and an arm 7 with an opening for receiving a rod that faces in a second direction. However, in Schroeder, the first direction is **perpendicular** to the second direction, not generally opposite as is claimed. Accordingly, for this reason alone, the rejection to claim 4 must be withdrawn.

Furthermore, Schroeder fails to disclose the recited male attachment mechanism. Schroeder discloses a connector 4 that appears to be a cylinder extending from the plate 1. Accordingly, Schroeder fails to disclose the noted first, second, and third legs. None of the other cited references adds anything in this respect, because none discloses a mounting section and an elbow section that are separate parts. Further, the disclosure notes that in one embodiment, “[t]he mounting section 32 can be die cut from sheet steel and stamped or otherwise bent to form.” Disclosure, page 6, lines 28-29. A male attachment mechanism including a first, second, and third leg includes that example and can be quickly and efficiently constructed. Because none of the cited references disclose the noted structure, there is no suggestion within any of the references for the claimed subject matter. Accordingly, claim 4 is allowable. Dependent claims 5, 7, 8, 23 and 24 are allowable for at least the same reasons.

Claim Rejections - 35 U.S.C. § 103

Claim 14 is Allowable.

Claim 14 stands rejected under 35 U.S.C. § 103(a) as obvious over Schroeder in view of Snyder, U.S. Patent No. 833,557. Claim 14, as amended, recites, in part, a mounting section that includes a flat section that comprises the bearing surface and a first leg of the male attaching mechanism.

Neither Schroeder nor Snyder disclose the noted elements. Schroeder discloses a plate 1 with a bearing surface on the back side of the plate. Schroeder further discloses a cylindrical male attaching mechanism 4 extending outward away from the front side of the plate 1. Accordingly, Schroeder fails to disclose a flat section that comprises both the bearing

surface and a first leg of the male attaching mechanism. Snyder discloses a unitary structure, and therefore fails to disclose a male attaching mechanism at all. Accordingly, claim 14 is novel over the cited references.

Claim 14 is further not suggested by the references, because none of the references disclose the noted structure. As noted earlier, the disclosure notes that one example of the mounting section can be made from sheet steel. The claimed flat section including both the bearing surface and a portion of the male attachment mechanism encompasses that example and can be easily be made from a die cut sheet steel. This is a very effective, fast, and less expensive method of manufacture. None of the cited references provide any motivation for a mounting section with the claimed structure. Accordingly, claim 14 is allowable. Dependent claims 15, 16, and 18 are allowable for at least the same reasons.

New Claim

Claim 25 is Allowable.

Claim 25 recites, in part, an elbow section coupled to the mounting section and defining the rod interface, the elbow section having a first arm and a second arm, wherein the first arm and the second arm define an angle greater than 90°. Claim 25 has support in the specification at, for example, page 5, lines 4-9.

As noted in the previous response, dated February 15, 2005, all of the cited references disclose sections that are 90°. Accordingly, claim 25 is novel over the cited references. Because no cited reference discloses the claimed subject matter, there can be no suggestion for the claimed subject matter. Further, two of the claimed brackets can be used together to hold a spring tension rod. With an elbow section that is greater than 90°, upon installation, the brackets can resiliently bear against the sides of the window opening while the two elbow sections are elastically flexed to be in parallel and in a state of angular compression. None of the prior art references discloses or suggests this construction. Accordingly, claim 25 is allowable.

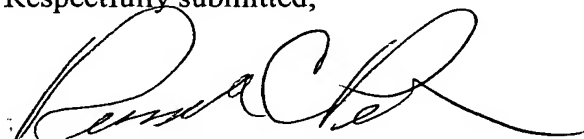
CONCLUSION

Claims 4, 5, 7-16, 18-21 and 23-25 are in condition for allowance in view of the foregoing amendments and remarks. Reconsideration and withdrawal of the various objections and rejections are hereby respectfully solicited.

The examiner is invited to contact the undersigned at the telephone number listed below in order to discuss any remaining issues or matters of form that will place this case in condition for allowance.

The fee for a one month extension and an extra independent claim is included herewith. No other fee is believed due at this time. However, if another fee is due, the Commissioner is hereby authorized to charge any fee deficiency, or to credit any overpayments, to Deposit Account No. 13-2855 of the undersigned's firm.

Respectfully submitted,



Russell C. Petersen
Reg. No. 53,457
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Dr.
6300 Sears Tower
Chicago, Illinois 60606
(312) 474-6300

November 21, 2005